

I am therefore of the opinion that when the salaries of clerks and deputies in the several county offices have been determined in the manner provided in Section 2981, General Code, the same should be paid monthly from the county treasury, in so far as money has been appropriated therefor, and within the limitations imposed by Section 5625-38, General Code. When a county official has made expenditures from the annual appropriation made to his office for deputy and clerk hire, to the full limit of six-tenths of the appropriation during the first six months, and continues to certify payrolls thereafter for monthly payments of salary corresponding in amount to one-twelfth of the entire amount fixed for any yearly salary, the county auditor is not justified in refusing to draw warrants in payment of such payrolls as certified even though there remains but four-tenths of the total annual appropriation, and to pay the payrolls as certified will exhaust the entire appropriation before the end of the year. The auditor should draw warrants in payment of the payrolls as certified, providing such payroll calls for a monthly salary for such deputies and clerks amounting to no more than one-twelfth of the amount determined upon as an annual salary.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1217.

APPROVAL, CONTRACT FOR GRADE CROSSING SEPARATION OVER  
ERIE RAILROAD, NEAR SPRINGFIELD, CLARK COUNTY.

COLUMBUS, OHIO, November 21, 1929.

HON. ROBERT N. Waid, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter under date of November 21, 1929, enclosing copy of a contract relative to the separation of a crossing at grade of the Erie Railroad Company tracks and the National Road just west of Springfield (S. H. 1, U. S. 40), in which the I. C. & E. Traction Company is a party.

I have carefully examined the agreement, signed by the Receiver of the I. C. & E. Traction Company, find it correct in form, and hereby approve the same.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1218.

APPROVAL, ABSTRACT OF TITLE TO LAND OF SARAH E. FISHER  
IN THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, November 21, 1929.

HON. CARL E. STEEB, *Business Manager, Ohio State University, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval an abstract of title, warranty deed form, and encumbrance estimate relating to the proposed purchase by the State of Ohio of Lot No. 32 in R. P. Woodruff's Subdi-

vision of the south half of the south half of Lot No. 278 in R. P. Woodruff's Agricultural College Addition to the City of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, page 421, Recorder's Office, Franklin County, Ohio.

An examination of the abstract of title submitted, which is certified by the abstracter under date of November 4th, 1929, shows that Sarah E. Fisher, the owner of record of the above described property, has a good merchantable fee simple title to the same, free and clear of all encumbrances except the following taxes which are unpaid and a lien on said property:

1. Taxes for the year 1928 and penalty..... \$15.56
2. Undetermined taxes for the year 1929.

An adjustment with respect to these taxes should, of course, be made before the transaction relating to the purchase of this property is closed.

An examination of the deed form of the deed to be executed by said Sarah E. Fisher, a widow, shows that the same is in form sufficient to convey to the State of Ohio a fee simple title to the above described property, free and clear of all encumbrances except taxes and assessments due and payable after December 1929. It will be observed from this that the grantor does not warrant against the taxes for the last half of the year 1929. As above indicated, this deed has not yet been signed or other wise executed by the said Sarah E. Fisher and care should be taken to see that said deed is signed and properly acknowledged and executed before the purchase price is paid.

An examination of Encumbrance Estimate No. 5635 shows that the same has been signed by yourself and the Director of Finance, and that it therein appears that there are sufficient balances in the proper appropriation account to pay the purchase price of this property.

An inspection of the files of the Budget Commission shows that the Controlling Board has released sufficient money out of said appropriation account to pay the purchase price of the above described property and of other properties in said addition which are desired by the state for the use of Ohio State University.

I am herewith returning to you said abstract of title, warranty deed form, and Encumbrance Estimate No. 5635.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1219.

APPROVAL, NOTES OF EUCLID VILLAGE SCHOOL DISTRICT, CUYA-  
HOGA COUNTY—\$150,000.00.

COLUMBUS, OHIO, November 21, 1929.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*